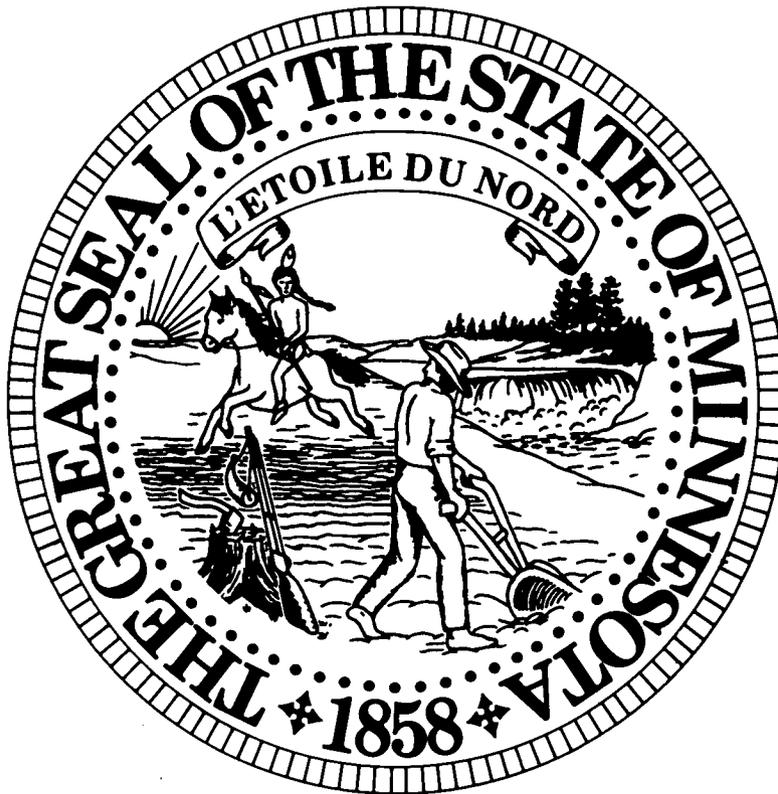


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 10 February 1992
Volume 16, Number 33
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
33	Monday 27 January	Monday 3 February	Monday 10 February
34	Monday 3 February	Monday 10 February	Tuesday 18 February
35	Monday 10 February	Friday 14 February	Monday 24 February
36	Friday 14 February	Monday 24 February	Monday 2 March

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division

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Paul Hoffman, Assistant Editor

Debbie George, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

Dear Subscriber:

In an effort to streamline the *State Register*, we are considering elimination of the **Minnesota Amendments and Additions Section**. If you have an opinion on this proposal, please contact us by **March 1, 1992**. You may call the *State Register* Office at 296-0929 or write us at: *State Register*, 117 University Avenue, St. Paul, MN 55155.

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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Utilities Commission

Proposed Permanent Rules Relating to Practice and Procedure

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). These rules will replace *Minnesota Rules*, parts 7830.0100 through 7830.4400, which are being repealed. The Commission's authority to adopt the rule is set forth in *Minnesota Statutes* §§ 216A.05, subd. 1 and 5 (1990).

All persons have until 4:30 p.m. on Wednesday, March 11, 1992, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. U-999/R-86-147 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON Wednesday, March 25, 1992, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING OF THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between March 12, 1992 and March 25, 1992 at (612) 296-7124.

Comments or written requests for a public hearing must be submitted to:

Carol Casebolt
Staff Attorney
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-6029

The proposed rules may be modified if the modifications are supported by data and views submitted to the Commission and do not result in a substantial change in the proposed rule as noticed.

The proposed rules, if adopted, will govern Commission procedures for hearing and acting upon matters before it. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the

proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rules may affect small businesses. The small businesses that will be affected are small electric and gas utilities, small local telephone companies, small long distance providers, and small coin-operated telephone providers. The qualitative and quantitative effects of the new rules on small businesses will probably be prompter action on matters before the Commission and greater certainty about Commission procedures. It should be easier for small businesses to transact their business before the Commission once the new rules are in place.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* § 14.11 (1990) is not applicable to this rulemaking proceeding.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule submitted to the Attorney General, must submit a written request to Carol Casebolt at the above address.

Richard R. Lancaster
Executive Secretary

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) will hold a public hearing in the above-entitled matter at the Commission Offices, Large Hearing Room, American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, commencing at 9:00 a.m. on Wednesday, March 25, 1992, and continuing until all interested or affected persons have had an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between March 12, 1992 and March 25, 1992 at (612) 296-7124.

The matter will be heard before Administrative Law Judge Bruce D. Campbell, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7602. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 (1990) and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1991). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing Commission practice and procedure. The proposed rules are authorized by *Minnesota Statutes* § 216A.05, subd. 1 and 5 (1990). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Kris Kline
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7124

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Commission offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Commission anticipates presenting at the hearing justifying both the need for and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Commission offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. In either case, the comment period ends at 4:30 on the final day, when the Office of Administrative Hearings closes its offices. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Commission and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period. The three-day period ends at 4:30 on the final day, when the Office of Administrative Hearings closes its offices.

The Commission requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Carol Casebolt at the Commission address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Commission at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* section 14.115 (1990), "Small business considerations in rulemaking," that the proposed rules have an effect on small business. The small businesses that will be affected are small electric and gas utilities, small local telephone companies, small long distance providers, and small coin-operated telephone providers. The qualitative and quantitative effects of the new rules on small businesses will probably be prompter action on matters before the Commission and greater certainty about Commission procedures. It should be easier for small businesses to transact their business before the Commission once the new rules are in place.

The adoption of these rules by the Commission will not require expenditure of public monies by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1990) is inapplicable to this rulemaking proceeding.

Please be advised that *Minnesota Statutes* ch. 10A (1990) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, subd. 11 (1990) as an individual:

(a) engaged for pay or other consideration, or authorized to spend money by another individual or association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(b) who spends more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Richard R. Lancaster
Executive Secretary

Rules as Proposed (all new material)

7829.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Classification petition.** "Classification petition" means a petition filed by a telephone company to classify a telephone service as subject to emerging or effective competition under *Minnesota Statutes*, section 237.59.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 4. **Complainant.** "Complainant" means a person who complains formally or informally of an alleged violation of a statute or rule within the commission's jurisdiction, a utility tariff, or a commission order.

Subp. 5. **Cost increase filing.** "Cost increase filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a rate increase for a particular telephone service on grounds that the actual costs of providing that particular service have increased. It does not include cost increases that are part of overall cost increases and cost increases that have been discovered as a result of new cost studies.

Subp. 6. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 7. **Expedited proceeding.** "Expedited proceeding" means an informal proceeding described in *Minnesota Statutes*, section 237.61, and subject to specific procedural requirements such as verification of pleadings.

Subp. 8. **Informal proceeding.** "Informal proceeding" means a proceeding that addresses and resolves issues of public policy, fact, or law without a formal contested case proceeding before the Office of Administrative Hearings.

Subp. 9. **Intervenor.** "Intervenor" means a person permitted to intervene as a party in a proceeding under this chapter.

Subp. 10. **Language change filing.** "Language change filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, changing descriptive language in a telephone utility tariff without changing the meaning or operation of the tariff.

Subp. 11. **Miscellaneous tariff filing.** "Miscellaneous tariff filing" means a request or notice that does not require determination of the utility's revenue requirement.

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; or any related matter. The term also includes a language change filing, cost increase filing, and rate reduction filing.

The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

Subp. 12. **Municipality.** "Municipality" includes a town, statutory city, and home rule charter city.

Subp. 13. **Participant.** "Participant" means a person who files comments or appears in a proceeding, other than public hearings held in contested cases and other commission proceedings conducted to receive general public comments, to present views without becoming a party.

Subp. 14. **Party.** "Party" means a person by or against whom a proceeding before the commission is commenced or a person permitted to intervene in a proceeding under this chapter. A party to a proceeding is styled a "petitioner," "complainant," "intervenor," or "respondent," according to the nature of the proceeding and the relationship of the party to the proceeding.

Subp. 15. **Person.** "Person" means a natural person, corporation, municipal corporation, public corporation, utility, governmental entity, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian, or executor.

Subp. 16. **Petitioner.** "Petitioner" means a person who requests the commission's permission, authorization, or approval or a person who notifies the commission of a proposed change in a rate, service, or term or condition of service.

Subp. 17. **Price list filing.** "Price list filing" means a filing under *Minnesota Statutes*, section 237.60, pertaining to telephone services claimed to be subject to emerging or effective competition.

Subp. 18. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, in which it seeks to resolve a question or issue taken up on its own motion or presented to it in a complaint, petition, or notice of a proposed change in a rate, service, or term or condition of service.

Subp. 19. **Proof of service.** "Proof of service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

Subp. 20. **Rate reduction filing.** "Rate reduction filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a reduction in a rate for telephone service.

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Proposed Rules

Subp. 21. **Respondent.** "Respondent" means a person against whom a complaint is filed or against whom an investigation or other proceeding on commission motion is addressed.

Subp. 22. **Suspend.** "Suspend" means to hold in abeyance or to delay the effective date of.

Subp. 23. **Utility.** "Utility" means a gas, electric, or telephone company subject to the jurisdiction of the commission.

7829.0200 SCOPE AND CONSTRUCTION.

Subpart 1. **Construction.** This chapter must be construed to secure the just, speedy, and economical determination of issues before the commission. This chapter must be construed in light of the commission's statutory authority and responsibilities.

Subp. 2. **Conflicting statutes and substantive rules to control.** This chapter governs practice and procedure in matters before the commission except when a statute or a rule on a specific topic contains procedural requirements in direct conflict with this chapter. Then, the statute or rule on a specific topic controls insofar as it is in direct conflict with this chapter.

7829.0300 COMPUTATION OF TIME.

In computing a period of time prescribed by this chapter, the commission shall exclude the first and include the last day of the designated period of time. When the last day of the time period falls on Saturday, Sunday, or a legal holiday, that day must be omitted from the computation.

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed or delivered in person, if the executive secretary so directs. Documents must be directed to the attention of the executive secretary.

Subp. 2. **Number of copies.** Parties and participants shall file an original and 15 copies of each document filed with the commission, unless otherwise directed by the executive secretary.

Subp. 3. **Proof of service.** Filings must be accompanied by proof of service on the persons on the appropriate service list.

Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and docket number of the matter. Filings must be on 8½ by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown.

Subp. 5. **Service.** A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail or by delivery in person, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service by mail or facsimile transmission plus mail is complete upon mailing, unless the executive secretary directs otherwise for specific documents. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

Subp. 6. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, service and filing requirements are controlled by the rules of the Office of Administrative Hearings and by any orders issued under those rules by the administrative law judge.

7829.0500 TRADE SECRET AND PROPRIETARY INFORMATION.

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public disclosure of privileged proprietary information, trade secrets, or other privileged information.

Subp. 2. **Procedure for excision.** Persons filing documents containing proprietary information, trade secrets, or other privileged information shall excise this information in all copies but the original and six copies.

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected information, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected information.** The first page or cover page of a document containing protected information must be clearly marked in bold print "TRADE SECRET INFORMATION—NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected information appears must be similarly marked and the protected information must be underlined, placed in brackets, or otherwise clearly identified as the information which is to be protected from disclosure.

7829.0600 GENERAL SERVICE LIST.

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive. The utility shall maintain

general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

Subp. 2. **Annual updating.** The utility may delete from its general service list a person who fails to respond within 30 days to an annual mailing inquiring whether that person wishes to continue receiving the filings requested.

Subp. 3. **Periodic addition.** A person may be added to the utility's general service list at any time by filing a request under subpart 1, even if the person failed to respond to an annual mailing as described in subpart 2.

Subp. 4. **Jurisdiction unaffected.** The service lists established in this part are intended to provide the earliest possible notice to persons who may be interested in a particular filing. The requirements of this part do not displace or add to legal notice requirements, and a utility's failure to comply with this part does not deprive the commission of jurisdiction over a matter of which it would otherwise have jurisdiction.

Subp. 5. **Party or participant status unaffected.** Inclusion on a general service list does not confer party or participant status on persons included on the list.

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. **Content.** The official service list for each proceeding consists of the names of the parties and the names of participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.** The commission shall establish the official service list at the conclusion of the initial comment period and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent.

Subp. 3. **Limiting service list.** On its own motion or at the request of a party, the commission shall limit the service list to parties to the proceeding if it finds that requiring service on participants is unduly burdensome.

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list.

Subp. 5. **Proceeding before administrative law judge.** In proceedings before an administrative law judge in which the judge establishes a service list, the names on that service list must remain on the official service list for the remainder of the proceeding.

7829.0800 PETITION TO INTERVENE.

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable.

Subp. 2. **Grounds for intervention.** The petition must allege the grounds for intervention and must be granted upon a showing that: the person is specifically considered by statute to be interested in the particular type of matter at issue; the person is specifically declared by statute to be an interested party; or the outcome of the proceeding will bind or affect the person with respect to an interest peculiar to that person, as distinguished from an interest common to the public or other ratepayers in general.

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, through its Residential Utilities Division, may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

Subp. 4. **Objection to intervention.** An objection to intervention must be filed within ten days of service of the petition to intervene.

Subp. 5. **Disposition of petition.** If there is no objection to intervention and a petition to intervene is not denied or suspended within 15 days of filing, the petition to intervene must be considered granted, unless the matter is referred to the Office of Administrative Hearings for contested case proceedings before the expiration of the 15-day period.

Subp. 6. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, intervention procedures are governed by the rules of the Office of Administrative Hearings and by orders issued under those rules by the administrative law judge.

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Proposed Rules

7829.0900 PARTICIPANT.

A person may file comments in a proceeding before the commission without requesting or obtaining party status. A participant may also be granted an opportunity for oral presentations.

7829.1000 REFERRAL FOR CONTESTED CASE PROCEEDING.

If a proceeding involves contested material facts or the commission finds that all significant issues have not been resolved to its satisfaction, the commission shall refer the matter to the Office of Administrative Hearings for contested case proceedings, unless:

A. all parties waive their rights to contested case proceedings and instead request informal or expedited proceedings, and the commission finds that informal or expedited proceedings would be in the public interest; or

B. a different procedural treatment is required by statute.

7829.1100 PUBLIC HEARING.

When a public hearing is held in connection with a contested case proceeding, the commission shall, whenever possible, schedule the public hearing to be held before the evidentiary hearings.

7829.1200 INFORMAL OR EXPEDITED PROCEEDING.

Subpart 1. **When appropriate.** Informal or expedited proceedings may be used when contested case proceedings are not required, for example, when:

A. there are no material facts in dispute;

B. the parties and the commission have agreed to informal or expedited proceedings; or

C. informal or expedited proceedings are authorized or required by statute.

Subp. 2. **Presentation of facts.** Written submissions are the preferred method of introducing facts. The commission shall allow oral presentation of facts when that can be done without compromising the rights of any person or the integrity of the proceeding. In informal proceedings, the commission shall require that factual allegations be made under oath or by affirmation when facts appear to be in dispute. In expedited proceedings, the commission shall require that factual allegations be made under oath or by affirmation and that documents filed in the proceeding be verified.

Subp. 3. **Notice.** The commission shall notify the persons on the official service list at least ten days before a meeting at which it may act on the basis of informal or expedited proceedings. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.

Subpart 1. **Summary.** A miscellaneous tariff filing and price list filing must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous tariff filing on which commission action is required within 60 days, and each price list filing increasing the price of a competitive service, on the persons on the applicable general service list, on the department, and on the Residential Utilities Division of the Office of the Attorney General. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. **Content of filing subject to specific requirements.** In addition to complying with specific requirements imposed by statute or rule, miscellaneous tariff and price filings subject to specific filing rules must contain at least the following information:

A. the name, address, and telephone number of the utility, without abbreviation;

B. the name, address, and telephone number of the attorney for the utility, if the utility is using an attorney;

C. the date of the filing and the date the proposed rate or service change will go into effect;

D. the statute that the utility believes controls the time frame for processing the filing; and

E. the signature and title of the utility employee responsible for the filing.

Subp. 4. **Content of filing not subject to specific filing rules.** In addition to complying with any specific requirements imposed by statute, miscellaneous tariff and price list filings not subject to specific filing rules must contain at least the following information:

A. the name, address, and telephone number of the utility, without abbreviation;

B. the name, address, and telephone number of the attorney for the utility, if the utility is using an attorney;

C. the date of the filing and the date the proposed rate or service change will go into effect;

D. the statute that the utility believes controls the time frame for processing the filing;

E. the signature and title of the utility employee responsible for the filing; and

F a description of the filing, its impact on rates and services, its impact on the utility and affected ratepayers, and the reasons for the filing.

Subp. 5. **Rejection of filing.** The commission shall reject a filing found to be substantially out of compliance with this chapter or applicable statutory requirements. A miscellaneous tariff filing or price list filing not rejected within 20 days of filing must be considered accepted as to form.

Subp. 6. **Initial comments.** A person wishing to comment on a miscellaneous tariff or price list filing shall do so within 30 days of its filing with the commission. A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service. A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

Subp. 7. **Petition to intervene.** If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the filing.

7829.1400 COMMENTS ON MISCELLANEOUS TARIFF OR PRICE LIST FILING.

Subpart 1. **Comments to include procedural recommendation.** A person commenting on a miscellaneous tariff or price list filing and recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

Subp. 2. **Reply comments.** The utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous tariff filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 3. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 4. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 5. **Comment periods varied.** Except for comment periods set by statute, the commission may vary the comment periods set by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 6. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods in parts 7829.1300 and 7829.1400 up to an additional 30 days, except for comment periods established by statute and except when the commission must act within 60 days to prevent proposed rate changes from going into effect.

7829.1500 INFORMAL COMPLAINT.

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

7829.1600 TREATMENT OF INFORMAL COMPLAINT.

Commission staff shall try to help resolve informal complaints by correspondence, mediation, arbitration, and other informal means. If the complainant desires formal action by the commission, a formal complaint must be filed.

7829.1700 FORMAL COMPLAINT.

Subpart 1. **Content.** A formal complaint must include the following information: the name and address of the complainant; the name and address of complainant's counsel, if any; the name and address of respondent; the name and address of respondent's counsel, if known; the statute, rule, tariff, or commission order alleged to have been violated; the facts constituting the alleged violation; and the relief sought by complainant.

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Proposed Rules

Subp. 2. **Service and filing.** A formal complaint must be served on the respondent, the department, and the Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

Subpart 1. **Initial commission review.** The commission shall review a formal complaint as soon as practicable to determine whether the commission has jurisdiction over the matter and to determine whether there are reasonable grounds to investigate the allegation. On concluding that it lacks jurisdiction or that there is no reasonable basis to investigate the matter, the commission shall dismiss the complaint.

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to grant the relief complainant requests or to show cause by answer why respondent should not be ordered to do so. The answer must be filed with the commission and served on the complainant, the department, and the Residential Utilities Division of the Office of the Attorney General within 20 days of service of the complaint and order.

Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on respondents, the department, and the Residential Utilities Division of the Office of the Attorney General.

Subp. 4. **Failure to answer.** If the respondent fails to answer a complaint served by the commission under subpart 2, the commission shall consider the allegations of the complaint denied, and issue is joined.

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT.

Subpart 1. **Nature of proceedings.** The commission shall deal with a formal complaint through a contested case proceeding, informal proceeding, or expedited proceeding.

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, Residential Utilities Division Of the Office of the Attorney General, and any other known parties.

Subp. 4. **Petition to intervene.** If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the complaint.

Subp. 5. **Comments to include procedural recommendation.** A person commenting on a complaint shall specify whether the person believes the matter requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the reasons for recommending a particular procedural treatment.

Subp. 6. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 7. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 8. **Comment periods varied.** Except for time periods set by statute, the commission may vary the comment periods established in this part at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 9. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods established in this part up to an additional 30 days, except for comment periods set by statute.

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

Subpart 1. **Content.** A complaint alleging violation of an electric utility's assigned service area must include a copy of the official service area map of an area at issue, with the area of the alleged violation clearly marked.

Subp. 2. **Service and filing.** A service area complaint must be served on the respondent, department, and Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT.

Subpart 1. **Answer.** Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and Residential Utilities Division of the Office of the Attorney General.

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Petition to intervene.** If a person who files comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the initial comment period expires. The intervention petition may be combined with the comments on the complaint and must be served on those persons entitled to service of the comments.

Subp. 4. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 5. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 6. **Time for disposition.** Service area complaints must come before the commission within 15 days of filing. The commission shall issue its order within 30 days after the hearing.

7829.2200 TELEPHONE INCENTIVE PLAN FILING.

Subpart 1. **Summary.** A telephone utility filing an incentive plan under *Minnesota Statutes*, section 237.625, shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing an incentive plan under *Minnesota Statutes*, section 237.625, shall serve copies of the incentive plan filing on the department and the Residential Utilities Division of the Office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on those persons on the applicable general service list and on persons who were parties to its last general rate case or incentive plan proceeding.

Subp. 3. **Challenge to form and completeness.** A person wishing to challenge the form or completeness of an incentive plan filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. These challenges and responses must be served on the utility, the department, the Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 4. **Rejection of filing.** The commission shall reject a filing that it finds to be substantially out of compliance with *Minnesota Statutes*, section 237.625, or with any other filing requirement imposed by rule or statute. An incentive plan filing not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 5. **Procedural comments.** A person wishing to comment on a proposed incentive plan shall file comments within 20 days of its filing, recommending a specific procedural framework for examining the filing, including time frames for substantive comments and commission action. Procedural comments must be served on the utility, department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 6. **Petition to intervene.** If a person desires full party status, but is not entitled to intervene in a commission proceeding as of right, the person shall file a petition to intervene before the procedural comment period expires. The intervention petition may be combined with procedural comments on the filing and must be served on those persons entitled to receive service of procedural comments.

Subp. 7. **Notice to public and ratepayers.** The utility shall give notice of the proposed incentive plan to its ratepayers and shall publish notice of the proposed plan in all newspapers of general circulation in all county seats in its service area.

Subp. 8. **Notice of public meeting.** The utility shall notify its ratepayers of public meetings on the proposed incentive plan scheduled by the commission and shall publish notice of the public meetings in all newspapers of general circulation in all county seats in its service area.

Subp. 9. **Nature of proceeding.** The commission shall deal with incentive plan filings by conducting an expedited proceeding under *Minnesota Statutes*, section 237.61. Following review of the procedural comments, the commission shall establish by order, time frames for submitting testimony and comments.

Subp. 10. **Time frame for disposition.** The commission shall approve, reject, or modify a proposed incentive plan within six months of filing. If the commission does not act within that time, the plan is considered withdrawn, unless the commission and the utility agree to extend the six-month period.

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Proposed Rules

7829.2300 CLASSIFICATION PETITION.

Subpart 1. **Summary.** A telephone utility filing a classification petition under *Minnesota Statutes*, section 237.59, shall include on a separate page a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and Residential Utilities Division of the Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 4. **Rejection of filings.** The commission shall reject a classification petition found to be substantially out of compliance with *Minnesota Statutes*, section 237.59, or with any other filing requirement imposed by rule or statute. A filing under this section not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 6. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the reply comment period expires. The intervention petition may be combined with comments on the filing and must be served on those persons entitled to receive service during the comment period when the intervention petition is filed.

Subp. 7. **Reply comments.** Commenting parties have ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments. Reply comments must be served on the utility and on those persons who have filed initial comments.

Subp. 8. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 9. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to a supplemental or corrected filing when the filing raises new issues.

Subp. 10. **Nature of proceeding.** The commission shall deal with a classification petition by conducting an expedited proceeding under *Minnesota Statutes*, section 237.61, or by referring the matter for a contested case proceeding.

Subp. 11. **Time frame for disposition; expedited proceeding.** When the filing utility requests an expedited proceeding on its classification petition, the commission shall take final action within 60 days of the date on which the utility provides the substantive information required by statute, unless the commission finds at least one issue of material fact in dispute and refers the matter for a contested case proceeding within the same 60-day period.

Subp. 12. **Time frame for disposition; contested case proceeding.** When the commission conducts a contested case proceeding, it shall take final action within eight months of the utility's request for a contested case proceeding or the commission's order that contested case proceedings be held, whichever occurs earlier.

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame set forth in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

7829.2400 FILINGS REQUIRING DETERMINATION OF GROSS REVENUE REQUIREMENT.

Subpart 1. **Summary.** A utility filing a general rate case or other filing that requires determination of its gross revenue requirement shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of the filing on the department and Residential Utilities Division of the office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

Subp. 3. **Notice to public and governing bodies.** A utility seeking a general rate change shall give notice of the proposed change to the governing body of each municipality and county in its service area and to its ratepayers. The utility shall also publish notice of

the proposed change in newspapers of general circulation in all county seats in its service area.

Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.

Subp. 7. **Notice of hearing.** The utility shall notify its ratepayers of hearings held in connection with its rate change request in the manner directed by the commission. The utility shall publish notice of hearings on its rate change request in newspapers of general circulation in all county seats in its service area, as directed by the commission.

7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of *Minnesota Statutes*, sections 216B.2421 and 216B.243; *Minnesota Rules*, chapters 7849, 7851, 7853, and 7855; and any other requirements imposed by rule or statute.

Subp. 2. **Summary.** A person filing a certificate of need application shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and Residential Utilities Division of the Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. **Publication in *State Register*.** The commission shall publish notice of the certificate of need filing in the *State Register* and shall solicit public comment on the application.

Subp. 5. **Publication in newspapers.** The applicant shall publish notice of the filing in newspapers of general circulation throughout the state.

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243, and *Minnesota Rules*, chapters 7849, 7851, 7853, and 7855, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243; *Minnesota Rules*, chapters 7849, 7851, 7853, and 7855; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.

Subp. 9. **Public hearing.** If the commission decides to act on the application through an informal proceeding, the commission shall hold a public hearing designed to encourage members of the public to express their views on the application, as required under *Minnesota Statutes*, section 216B.243, subdivision 4. If the commission refers the application to the Office of Administrative Proceedings for a contested case proceeding, the commission shall ensure that at least one public hearing is held.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

7829.2600 STAFF COMMENTS.

Written comments on a filing by commission staff must be made available to those persons on the service list at the same time they are provided to the commission. If commission staff recommend action not advocated by any party, all parties must be granted oral argument at the request of any party.

7829.2700 PROCEDURE FOLLOWING REPORT OF ADMINISTRATIVE LAW JUDGE.

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

Subp. 2. **Replies to exceptions.** Except in cases subject to statutory deadlines, a party shall file and serve on all other parties any replies to exceptions within ten days of the due date for exceptions. In cases subject to statutory deadlines, replies are not permitted.

Subp. 3. **Oral argument.** Parties must be granted an opportunity for oral argument before the commission as required under *Minnesota Statutes*, section 14.61.

7829.2800 GENERAL NOTICE REQUIREMENT.

Matters may come before the commission only on ten days notice to the parties and those persons on the official service list. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding.

7829.3000 PETITION FOR REHEARING, AMENDMENT, VACATION, RECONSIDERATION, REARGUMENT.

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary.

Subp. 2. **Content of request.** A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed. A request for amendment must set forth the specific amendments desired and the reasons for the amendments.

Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding to which they relate.

Subp. 4. **Answers.** Other parties to the proceeding shall file answers to a petition for rehearing, amendment, vacation, reconsideration, or reargument within ten days of service of the petition.

Subp. 5. **Replies.** Replies are not permitted unless specifically authorized by the commission.

Subp. 6. **Commission action.** The commission shall decide a petition for rehearing, amendment, vacation, reconsideration, or reargument with or without a hearing or oral argument. The commission may vacate or stay the order, or part of the order, that is the subject of the petition, pending action on the petition.

7829.3100 TIME PERIODS VARIED.

Except for time periods set by statute, the commission may vary the time periods established by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

7829.3200 OTHER VARIANCES.

Subpart 1. **When granted.** The commission shall grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

Subp. 2. **Conditions.** A variance may be granted contingent upon compliance with conditions imposed by the commission.

Subp. 3. **Duration.** Unless the commission orders otherwise, variances automatically expire in one year. They may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving a variance.

REPEALER. *Minnesota Rules*, parts 7830.0100; 7830.0200; 7830.0300; 7830.0400; 7830.0500; 7830.0600; 7830.0700; 7830.0800; 7830.0900; 7830.1000; 7830.1100; 7830.1200; 7830.1300; 7830.1400; 7830.1500; 7830.1600; 7830.1700; 7830.1800; 7830.1900; 7830.2000; 7830.2100; 7830.2200; 7830.2300; 7830.2400; 7830.2500; 7830.2600; 7830.2700; 7830.2800; 7830.2900; 7830.3000;

7830.3100; 7830.3200; 7830.3300; 7830.3400; 7830.3500; 7830.3600; 7830.3700; 7830.3800; 7830.3900; 7830.4000; 7830.4100; 7830.4200; 7830.4300; 7830.4400; 7847.0010; 7847.0020; 7847.0100; 7847.0110; 7847.0120; 7847.0130; 7847.0140; 7847.0150; 7847.0200; 7847.0210; 7847.0220; 7847.0230; 7847.0240; 7847.0250; 7847.0260; 7847.0270; 7847.0280; 7847.0290; 7847.0300; 7847.0310; and 7847.0320, are repealed.

Secretary of State

Proposed Permanent Rules Relating to Elections; Housekeeping Rules

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules are found in *Minnesota Statutes* 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; and 207A.09.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules are attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Secretary of State upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Secretary of State.

Dated: 22 January 1992

Joseph Mansky
Director, Election Division

Rules as Proposed

8200.6300 COST DETERMINATION.

When the secretary of state or a county auditor determines the cost of copies of producing lists of registered voters, the secretary of state or auditor shall take into account only the costs of ~~reproduction~~ actually incurred ~~by his office~~ to fill the specific request. The

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Proposed Rules

secretary of state or auditor shall not take into account the general office expenses or other expenses which would have been incurred by the secretary of state or auditor's office even without the preparation of the request.

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Petition in lieu of filing fee.** Candidates filing for office pursuant to *Minnesota Statutes*, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in *Minnesota Statutes*, section 204B.11, subdivision 2.

A nominating petition filed pursuant to *Minnesota Statutes*, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions to the extent practicable.

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared by the county auditor or municipal clerk pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Presidential primary.** In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. **Receipt of applications.** Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political party's ballot the voter wishes to receive.

Subp. 2. **Notation on polling place roster.** The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subs 5 to 12, see M.R.]

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

**MAIL VOTER'S CERTIFICATE
OF**

(print or type legal name of voter)

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

(date)

(legal signature of witness)

(print or type name of witness)

(legal address if witness is an eligible voter)
OR

(official title if witness is an official)

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION for _____
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

- primary election
- general election
- primary and general election

I will need an absentee ballot for the following reason:

(Check one)

- absence from precinct
- illness or disability

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<u>Street or Route No.</u>	<u>Apt. No.</u>	<u>Rural Box No.</u>
<u>() City () Township</u> (check whichever is applicable)	<u>County</u>	<u>Zip</u>

Mail my absentee ballot to me at the following address:

<u>Street or Route No.</u>	<u>Apt. No.</u>	<u>Rural Box No.</u>
<u>City</u>	<u>State</u>	<u>Zip</u>
<u>Date</u>	<u>Legal Signature</u>	

8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully. AN IMPROPERLY COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

- an eligible voter of the same county in which you are registered or registering to vote;
- a notary public;
- a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;
- any officer having authority to administer an oath.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

- valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;
- valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;
- a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;
- valid registration in the same precinct under a different address;
- "ineffective registration notice" mailed by the county auditor or municipal clerk;
- a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot

Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 4:30 ~~7:00~~ p.m. on the day before election day.

8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 1.

**ABSENT VOTER'S CERTIFICATE
OF**

(legal name of absent voter)
(print or type legal name of voter)

(legal address of absent voter)
(print or type legal name of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

(date)

(legal signature of witness)

(print or type name of witness)

(official title if witness is an official)

(legal address if witness is an eligible voter)

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Method used by voter to prove residence:

Driver's License _____
or Permit or (number)
Receipt
Minn. ID Card or _____
Receipt (number)
same precinct _____

Notice of Ineffective
Registration _____

Student ID _____
(number)

(legal signature of registered voter in the
precinct who attested to residence in the
precinct)

(legal address of registered voter in the precinct
who attested to residence in the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

(print or type legal name of voter)

(print or type legal address of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

(date)

(legal signature of witness)

(print or type name of witness)

(official title if witness is an official)

(legal address if witness is an eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district and also must include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals. In preparing the test deck or ballot image a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot.

~~At least 50 blank ballot cards must be run before the test deck is run.~~ Blank ballots in which no positions have been voted must be included in the test deck or ballot image.

At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.

A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.

8220.1650 ADDITIONAL TEST DECKS.

Upon request the secretary of state ~~may provide~~ must be provided a test deck for any state, county, municipal, or school district election computer program, in which case ~~the a~~ a test deck of at least 50 blank ballots must be delivered ~~at the public accuracy test to the secretary of state~~ with directions for its use. The state chair of a major political party or designee may ~~provide~~ obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The use of test decks provided by the secretary of state or a major political party does not substitute for the requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Voting devices may be used in voting booths or self-contained stations. The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify ~~four~~ at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send ~~the remaining three~~ at least two copies to the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward ~~the two remaining copies~~ at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.

8230.4350 OPTICAL SCAN VOTING SYSTEMS

[For text of subpart 1, see M.R.]

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct identification must be printed on each identifier, or a ballot card style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may

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Proposed Rules

not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in *Minnesota Statutes*, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initiated by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

[For text of subps 6 and 7, see M.R.]

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in *Minnesota Statutes*, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8235.0800 PAPER COUNTING AND CHALLENGING BALLOTS.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount them in accordance with *Minnesota Statutes*, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the candidate person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

8240.1300 COURSES REQUIRED.

An election judge who must receive training pursuant to *Minnesota Statutes*, section 204B.25 shall successfully complete a basic training course which meets the requirements of part 8240.1600. After completing the basic training course, an election judge may serve at future elections by successfully completing a review course which meets the requirements of part 8240.1700 before service at such election. The basic training course need not be repeated if the judge serves at least one election every four years.

The basic training course and the review course shall be conducted not more than ~~30~~ 60 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a makeup session shall be held which conforms to the scheduled training session so far as practicable.

A special training course must be conducted for all election judges not more than 60 nor fewer than three days before a presidential primary election. The county auditor shall establish either a one or two hour training course for the presidential primary. The length of training for the presidential primary should be determined by the voting method used at the presidential primary, and the experience level of election judges with the voting method.

No election judge who successfully completes the training required by these rules for a state primary election shall be required to complete additional training for the succeeding ~~regular~~ general election.

The training authority shall determine the maximum number of trainees in each training session conducted pursuant to parts 8240.1600 and 8240.1700. The maximum number of trainees shall be appropriate to the methods of instruction used.

8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

Subpart 1. Length. The training course shall be established by the country auditor at either one or two hours in length.

Subp. 2. Materials. By February 1 in years in which a presidential primary is conducted, the secretary of state shall provide each county auditor with examples of all forms and documents used by election judges that are unique to the presidential primary. The county auditor shall provide copies of this material to each training authority in the county. The forms and documents provided to a county auditor must include but are not limited to: polling place rosters bsentee ballot applications and return envelopes allots and precinct summary statements. Additional material may be provided by the training authority as considered useful.

Subp. 3. Use of equipment. A voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures used at the presidential primary.

Subp. 4. Course content. The presidential primary training course must include information and preparation in the following areas:

- A. declaration of party preference noted on polling place roster;
- B. transfer of party preference from absentee ballot applications to polling place roster;
- C. counting of ballots, including party order and write-in ballots;
- D. all forms, rules, laws, and procedures unique to the presidential primary and
- E. methods for responding to voters concerns about privacy.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. Requirement. Trainee election judges appointed under *Minnesota Statutes*, section 204B.19, must meet the requirements of this part.

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Proposed Rules

Subp. 2. Training. A trainee election judge must complete the basic two hour training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. Qualifications. A trainee election judge must be a United States citizen, a resident of the municipality in which the trainee election judge serves, and be at least 16 years of age. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, have completed or be enrolled in a course on government at the time of service, and are performing at an academic level acceptable to the principal of the trainee's high school.

Subp. 4. Appointment. Trainee election judges may be appointed by the municipality or school district conducting the election if:

A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days prior to the election and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

Subp. 5. Payment. For attending required training or for service as a trainee election judge, students must be paid not less than two-thirds of the minimum wage for large employers as provided in Minnesota Statutes, section 177.24.

Subp. 6. Number of trainee election judges allowed per precinct. No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count towards meeting the minimum number of election judges required by Minnesota Statutes, section 204B.22.

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by *Minnesota Statutes*, section 204D.08, subdivision 2 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Order of candidates. The secretary of state or the county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. The names of the candidates must be rotated in the manner provided in *Minnesota Statutes*, section 204D.08, subdivision 3. In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

Executive Orders

Executive Department

Executive Order #92-2: Providing for the Establishment of the Governor's Advisory Task Force on Mentoring and Community Service

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota's young people are a vast untapped resource and have the potential to make great contributions to their communities; and

WHEREAS, much remains to be done to assure that each young person in Minnesota has access to a caring, responsible individual who encourages and guides his/her personal growth and development; and

WHEREAS, Minnesota has been on the leading edge of the mentoring and community service movements; and

WHEREAS, Minnesota's leadership in mentoring and community service rests on our comprehensive statewide approach that includes both public and private organizations and a continuum of developmentally appropriate community service and service-learning opportunities based on locally identified needs; and

WHEREAS, the National and Community Service Act, passed by Congress in 1990, provides funds for state initiatives; and

WHEREAS, Minnesota intends to present a funding proposal to the National and Community Service Commission in order to advance Minnesota's leadership in mentoring and community services;

NOW, THEREFORE, I hereby order that:

1. The Department of Administration, through the Minnesota Office on Volunteer Services (MOVS), shall serve as the lead agency to prepare Minnesota's proposal for federal National and Community Service Act funds and with the Governor's Task Force on Mentoring and Community Service to implement Minnesota's comprehensive service plan.

2. The Department of Education shall work cooperatively with MOVS to prepare and implement the school-based portion of the federal funding proposal.

3. A Governor's Advisory Task Force on Mentoring and Community Service shall be established to assist the Minnesota Office on Volunteer Services to prepare and carry out Minnesota's proposal for federal National and Community Service Act funds. The task force shall have up to 25 members, appointed by the Governor. Members shall be persons in leadership positions who have a demonstrated commitment to mentoring and community service. The Governor shall appoint the chair of the task force. No more than 15 task force members may be reimbursed for expenses as provided in *Minnesota Statutes* 1990, Section 15.0593.

4. The Minnesota Office on Volunteer Services, with the assistance of the task force, shall:

- a. Advise the Governor on policy issues related to mentoring and community service;
- b. Conduct research on outcomes of Minnesota's mentoring and community service initiatives;
- c. Assist in planning and making recommendations for Minnesota's model for Full and Part Time Service and Youth Service Corps;
- d. Coordinate efforts to expand current Minnesota initiatives in mentoring and community service and assist in obtaining public and private funds for these initiatives;
- e. Communicate with the Governor's Action for Children Commission about issues of mutual concern to the Commission and the task force;
- f. Disseminate information concerning service programs that receive assistance under the National and Community Services Act;
- g. Recruit participants for projects that receive assistance under the National and Community Services Act;
- h. Develop programs, training methods, curriculum materials, and other materials and activities related to programs receiving assistance under the National and Community Services Act;

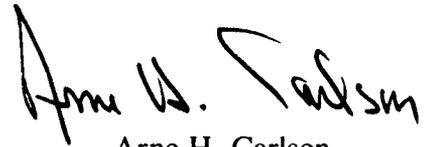
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Executive Orders

i. Report periodically to the Governor on the advancement and outcomes of Minnesota's mentoring and youth community service initiatives, and make recommendations on the future status of the task force.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this thirty-first day of January, 1992.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State
Dated: 3 February 1992

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Research Committee

Notice is hereby given that a meeting of the Minnesota Comprehensive Health Association (MCHA), Research Committee will be held at 8:30 a.m. on Thursday, February 13, 1992 at Medica, 5601 Semtana Drive, Minneapolis, Minnesota, in the executive conference room on the tenth floor.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds on Behalf of Augsburg College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to an amended proposal to issue revenue bonds on behalf of Augsburg College, a Minnesota institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on February 26, 1992 at 2 o'clock p.m. Under the amended proposal, the Authority would issue its revenue bonds in an original aggregate principal amount of up to approximately \$10,000,000 to finance costs of a Project generally described as (i) the acquisition, construction, furnishing and equipping of a four-story approximately 76,000 square foot apartment-style student residence facility to be owned and operated by the College at its Minneapolis campus, and (ii) the refinancing of existing indebtedness originally incurred to partially finance the construction of the Foss, Lobeck, Miles Center, which, among other things, houses a performance center, the audio visual department, classrooms, and common space, all owned and operated by the College at its Minneapolis campus. The principal street address of the College is Augsburg College, 731 21st Avenue South, Minneapolis, Minnesota 55454.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 10 February 1992

By Order of the Minnesota Higher
Education Facilities Authority
Joseph E. LaBelle
Executive Director

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds on Behalf of Hamline University

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the Trustees of the Hamline University of Minnesota, as owner and operator of Hamline University, a Minnesota institution of higher education (the "University"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on February 26, 1992 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an original aggregate principal amount of up to approximately \$5,070,000 to provide financing for a Project described as the refunding of the \$6,000,000 Minnesota Higher Education Facilities Authority First Mortgage Revenue Bonds, Series Two-A, dated November 1, 1979, the proceeds of which were used to finance the construction, furnishing and equipping of an academic building for the law school located on the campus of the University and owned and operated by the University, the principal street address of which is Hamline University, 1536 Hewitt Avenue, St. Paul, Minnesota 55104. At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 10 February 1992

By Order of the Minnesota Higher
Education Facilities Authority
Joseph E. LaBelle
Executive Director

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds on Behalf of Macalester College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of Macalester College, a Minnesota institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on February 26, 1992 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an original aggregate principal amount of up to approximately \$21,000,000 to finance costs of a Project generally described as (i) the refunding of the outstanding Minnesota Higher Education Facilities Authority Mortgage Revenue Bonds, Series Two-J (Macalester College), dated December 1, 1985, the proceeds of which were used for the renovation, furnishing and equipping of gymnasium facilities (including the addition of handball courts) and the student union and the acquisition, construction, furnishing and equipping of a 10,700 square foot natatorium, all located on the campus of the College in St. Paul, Minnesota, (ii) the remodeling, furnishing and equipping of the Humanities wing of the Fine Arts Center and the construction of a two floor addition thereto for housing computer and audio visual facilities, (iii) the renovation, furnishing and equipping of Rice Hall of Science and of Old Main, an office and classroom facility, (iv) the acquisition and installation of a telecommunications network for voice data and video, including a new telephone switch, (v) the acquisition and installation of a keyless identification system, and (vi) renovation and improvement of track and field facilities; all including appurtenant site improvements (collectively, the "Project"), to be owned and operated by the College and located on its campus, the principal street address of which is 1600 Grand Avenue, St. Paul, Minnesota 55105.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 26 February 1992

By Order of the Minnesota Higher
Education Facilities Authority
Joseph E. LaBelle
Executive Director

Department of Human Services

Health Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Adoption of Rules Governing Eligibility to Receive Medical Assistance Payment for Mental Health Case Management Services

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing Eligibility to Receive Medical Assistance Payment for Mental Health Case Management Services. The adoption of the proposed rule is authorized by *Minnesota Statutes*, sections 256b.04, subdivisions 2 and 11 and 256B.0625, subdivision 20.

The proposed rule will: 1. specify the medical assistance recipients who are eligible for mental health case management services; 2. the criteria for determining eligibility; 3. entities eligible to provide mental health case management services; 4. case manager qualifications; 5. required clinical supervision; 6. the mental health case management services eligible for medical assistance payment; 7. limitations on payments; 8. documentation of services; and 9. the payment rate for the service.

The State Department of Human Services requests information and opinions concerning the subject matter of the amendments to the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber
Rules and Bulletins Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 3 February 1992

Eleanor Weber
Rules and Bulletins

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Amendments to the Workers' Compensation Medical Fee Schedule

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in considering amendments to the workers' compensation medical fee schedule. Consideration is being given to adopting a relative value fee schedule or modifying the current medical fee schedule. Comment is also requested on under what circumstances the type of health care provider or the site of service should be a basis for distinguishing fees.

The adoption of the rule is authorized by *Minnesota Statutes*, section 176.136.

The State Department of Labor and Industry requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Gloria Gebhard
Senior Medical Policy Analyst
Rehabilitation and Medical Affairs
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-8213 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register*. Any written material received by the State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 30 January 1992

John B. Lennes, Jr.
Commissioner

Minnesota Lawful Gambling Control Board

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing the Regulation of the Conduct of Lawful Gambling

NOTICE IS HEREBY GIVEN that the Minnesota Lawful Gambling Control Board (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing the regulation of all aspects of the manufacture, distribution, and use of paddlewheels in the conduct of lawful gambling. The adoption of the rules is authorized by *Minnesota Statutes*, section 349.151, subdivision 4, clause (5), which allows the Board to make rules authorized by Chapter 349.

The Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Nan Connor
Minnesota Lawful Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, Minnesota 55113
Phone: (612) 639-4000

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until February 12, 1992. Any written materials received by the Board shall become part of the rulemaking record in the event that the rules are repealed and adopted.

Harry W. Baltzer
Executive Director

Public Employees Retirement Association

Notice of Meetings of Board of Trustees

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be on Thursday, February 13, 1992, at 9:00 a.m. in the Association offices, 514 St. Peter Street, Suite 200—Skyway Level, St. Paul, Minnesota.

A Public Safety Officers' meeting will be held on Tuesday, February 11, at 1:00 p.m. in the Association offices.

Minnesota State Retirement System

Special Meeting of the Board of Directors

A special meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, February 14, 1992 at 8:30 a.m. in the office of the System, 175 W. Lafayette Frontage Rd., St. Paul, Minnesota. The primary purpose of this meeting will be to receive the report of the System's actuary.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Housing Finance Agency

Applications Accepted for the 1992 Federal Low Income Housing Tax Credit Program

Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting first competition applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986 as revised. Applications for the low income housing tax credits, administered by the MHFA, for the first competition must be received no later than 5:00 p.m. Wednesday, April 1, 1992. Refer to application package for additional requirements.

The Low Income Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low income, new construction, rehabilitation or existing rental housing with rehabilitation.

Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222 Subd. 1a,2.

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally.

DISTRIBUTION OF LOW INCOME TAX CREDITS IN MINNESOTA IN 1992

GREATER MINNESOTA

Duluth (85,493-4.09%)	\$ 126,078
St. Cloud (48,812-2.33%)	\$ 71,824
Rochester (70,745-3.38%)	\$ 104,192
FmHA Set-Aside (25% not to exceed \$600,000)	\$ 600,000
MHFA Administered	\$1,563,982
Subtotal	\$2,466,076

METRO TWIN CITY AREA

Minneapolis	\$ 512,141
St. Paul	\$ 370,054
Bloomington	\$ 150,000
Washington County	\$ 173,224
Dakota County	\$ 332,339
MHFA Administered	\$ 982,166
Subtotal	\$2,519,924

SUBTOTAL FOR PROFIT \$4,986,000

NONPROFIT SET ASIDE

ADMINISTERED BY MHFA

Metro Twin Cities Area	\$ 279,992
Greater Minnesota Area	\$ 274,008
Subtotal	\$ 554,000

TOTAL TAX CREDITS FOR STATE \$5,540,000

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any suballocation to local governments that is not committed by the end of the first competition must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located

within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation, except for the nonprofit set-aside.

Total 1992 tax credits available for the State of Minnesota are based on U.S. Census Bureau estimates of population released December 1991. (4,432,000 population X \$1.25 per capita credit amount = \$5,540,000).

Greater Minnesota population 2,092,613, Twin Cities Metro population 2,294,416.

Population estimates for individual cities and counties as well as state total used to derive geographic distribution of credits are based on State Demographer and Census Bureau published report in January 1991.

MHFA Administration Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations statewide. Ten percent of the state ceiling has been set aside for qualified nonprofits as required by Section 42 of the Internal Revenue Code of 1986. Qualified nonprofits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building, as specified in the allocation plan.

For additional information or an application packet for buildings located in the MHFA jurisdiction, please write to MHFA at:

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998

or call (612) 297-3294.

Department of Human Services

Chemical Dependency Program Division

Notice of Intent to Identify the Need for Competitive Bid Process on Existing Grants

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of a grant award to Catalyst, A Program For Women, Inc. in the area of chemical health issues and women offenders.

The CDPD will open this grant to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost.

Potential vendors should submit a letter outlining their qualifications to provide the services described to Pamela Young, Chemical Dependency Program Division, 444 Lafayette Road, St. Paul, MN 55155-3823 no later than the close of business (4:20 p.m.) February 21, 1992. Applicants should indicate their interest in the specific grant.

The grant to Catalyst is for approximately \$65,000. The purpose of the grant is to provide support services which aid women offenders in entering and completing a treatment program, maintaining sobriety, developing responsible parenting attitudes and behaviors and improving the health and welfare of the child/children of the chemically dependent woman offender. Activities include but are not limited to case management, case planning and monitoring, information and referral, advocacy, assistance with child care, assistance with transportation to treatment, facilitating weekly support groups, providing parenting/health education classes, and recreational activities with client and her child/children. The vendor will maintain a recordkeeping system on grant-related activity.

Pollution Control Agency

Public Facilities Authority

Application Requests Accepted for Placement on the Funding List for the Individual On-site Wastewater Treatment System Grants Program, a Set-aside of the Independent State Grants Program for Construction of Individual On-site Wastewater Treatment Systems

NOTICE IS HEREBY GIVEN that the Minnesota Public Facilities Authority (PFA) is accepting application requests for placement

State Grants

on the funding list for the Individual On-site Wastewater Treatment Systems Grant Program, a set-aside of the Independent State Grants program for construction of individual on-site wastewater treatment systems. This program was created to provide grants to municipalities to assist owners of individual on-site wastewater treatment systems to upgrade or replace their failed individual on-site wastewater treatment systems. (*Minnesota Statutes* Sec. 116.18, subd. 3c (1990)). The Minnesota Pollution Control Agency (MPCA) will perform the necessary review for certification to the PFA for the placement of projects on the funding list.

Once application requests for placement on the funding list are received and ranked, those projects placed on the funding list will be required to submit a complete application before a grant is awarded.

Application requests for placement on the funding list will be accepted for a period of time ending at 4:30 p.m. on Friday, April 3, 1992.

This program is governed by *Minnesota Rules* parts 7077.0700 to 7077.0765, which are available from the MPCA. For additional information or an application request packet, please contact:

Victoria Cook
Nonpoint Source Section
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-7248

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Department of Education

Notice for Request for Proposals for Contract Services

The Department of Education-Interagency Early Childhood Planning Project is requesting proposals from qualified firms and individuals to collect financial and programmatic information from local community agencies and parents of infants and toddlers with disabilities. This information will be used to determine the types of early intervention services currently available and their costs, and those additional services which are needed to fully implement the provisions of Individuals with Disabilities Education Act, Part H.

The Departments of Education, Health, and Human Services and the Governor's Interagency Coordinating Council on Early Childhood Intervention will use this programmatic and financial information to develop state policy regarding this program. In addition, this project will result in the development of a methodology which can be repeated to evaluate the state's progress towards the goal of a comprehensive, coordinated service system for infants and toddlers with disabilities and their families.

Scope of Project

The Departments of Education, Health, and Human Services are seeking assistance in the collection of information on the early intervention services used by children and families and their costs. Project activities may include working with community providers and collecting information from already existing service plans. These services are provided by a variety of state and local agencies to 2200 infants and toddlers with disabilities and their families within the framework of the individualized family service plan (IFSP). Early intervention services can include family training, counseling, and home visits, health and nursing services, medical services for evaluation purposes, nutrition services, vision services, assistive technology and services, physical and occupational therapy, speech and language services, psychological and social work services, special education, transportation, and other services such as family support and respite care.

Additional information about the characteristics of children and families accessing the interagency service system will be collected for the purpose of revising and/or expanding agency programmatic and financial responsibilities.

Project Start and Completion Date

The project will begin April 1, and be completed by August 15, 1992. The final draft report must be completed by June 30, 1992.

Project Costs

The Department has estimated the cost of this project should not exceed \$50,000.

Other Information

Copies of the Request for Proposals for Contract Services including the detailed project tasks may be obtained by contacting Diane Bick at (612) 297-5979.

Proposals will be accepted by the Department of Education until 4:00 p.m., Monday, March 2, 1992. This request does not obligate the Department of Education. The Department reserves the right to cancel the solicitation.

All proposals should be addressed to: Bob Wedl, Minnesota Department of Education, Unique Learner Needs, 826 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Minnesota Historical Society

Notice of Request for Bids for Landscaping at the Minnesota History Center

The Minnesota Historical Society is seeking bids from qualified firms to provide complete landscaping services at the Minnesota History, 160 John Ireland Boulevard, St. Paul, MN.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Bids must be received not later than 2:00 p.m. March 2, 1992.

Details concerning submission requirements are included in the Request for Bids.

Minnesota Historical Society

Notice of Request for Bids for Provision and Installation of Restaurant Foodservice Equipment

The Minnesota Historical Society is seeking bids from qualified firms to provide and install restaurant equipment for the foodservice area at the Minnesota History Center, 160 John Ireland Boulevard, St. Paul, MN.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Bids must be received not later than March 2, 1992.

Details concerning bid submission requirements are included in the Request for Bids.

Minnesota Historical Society

Notice of Request for Proposals for Shelving and Storage Unit Construction

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide shelving and storage units for the Minnesota History Center.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Proposals must be received not later than March 2, 1992.

Details concerning submission requirements are included in the Request for Proposals.

Minnesota Office of Tourism

Request for Proposal for Printing Services

The Minnesota Office of Tourism is seeking proposals for ad sales, creative, design, typesetting services and pre-press services through composite films for future issues of three regional travel directories; Explore Minnesota Northcentral/West, Explore Minnesota Northeastern and Explore Minnesota Southern. The services will be provided under a contract for a period of one year, with two one-year renewal options that can be exercised by mutual consent of both parties.

The directories, will contain from 68-136 pages.

Professional, Technical & Consulting Contracts

The firms selected will be free to recommend design changes to the directories. Costs must be broken down by ad sales, ad prep, per page design/creative, typesetting, and litho prep.

The Office of Tourism reserves the right to select a single vendor for all three travel directories or individual vendors for each.

Publication print runs are about 150,000 copies for the Southern and Northcentral/West Travel Directories, and 185,000 of the Northeast Travel Directory, many of which are distributed at sports shows and by direct mail in response to advertising generated inquires.

Editorial and advertising content of each publication is in an approximate 40/60 editorial/advertising ratio.

For further information, a listing of key elements of the publication, specific contractor duties and a copy of the 1992 issues, contact: Susan Lasley at 612/297-3879.

Proposal Submissions

Those interested must request a complete request for proposal and bid form. All bids must include a summary of experience, work plan, a completed fee schedule on the form provided, a portfolio, and the name, title, address and phone number of the person empowered to negotiate a contract as a result of the proposal to:

Susan Lasley, Creative Services Manager
Minnesota Office of Tourism
375 Jackson Street
250 Skyway Level
St. Paul, MN 55101

Potential vendors are cautioned that only Susan Lasley is empowered to discuss and provide information on this project.

Deadline for submissions: 4:30 p.m.—March 2, 1992.

E. Peter Gillette
Minnesota Department of Trade and Economic Development

Department of Trade and Economic Development

Proposals Sought on Professional Development Training Program

The State of Minnesota Department of Trade & Economic Development (Department) is seeking proposals from qualified firms and individuals to conduct a four-part series of marketing-related professional development training programs for directors and staff of the Minnesota Small Business Development Centers. The Minnesota Small Business Development Centers offer counseling and training on management topics to business owners and prospective business owners throughout the state. The Department is responsible for overall management of the SBDC program.

Introduction

In its role of providing professional development training to directors and staff of the Minnesota Small Business Development Centers, the Department is seeking proposals from qualified firms and individuals to conduct the work described in this Request for Proposals (RFP). The first training program is expected to begin on or about June 1, 1992, The fourth and final training program must be completed no later than June 30, 1993.

This RFP does not obligate the Department to complete the training programs, and the Department reserves the right to cancel the solicitation if it is considered to be in the best interest of the Department or the State of Minnesota.

Price will be a factor in the selection of a contractor.

Scope of Work

The contractor will be required to do a minimum of the following:

1. Develop an intensive four-part series of small business marketing-related training programs as follows:
 - *Module 1—Introductory Marketing Concepts and Practices
 - *Module 2—Marketing Research/Consumer Behavior
 - *Module 3—Pricing/Channels of Distribution
 - *Module 4—Advertising/Promotion
2. Develop and copy for attendees the following teaching materials for each module: a textbook, which focuses on application

Professional, Technical & Consulting Contracts

rather than traditional theory; a casebook, which would include five cases for homework assignments, and ten cases to be used during lectures; handouts and overheads, and a final examination.

3. Provide a minimum of 33.5 classroom (contact) hours and follow the proposed schedule:

Monday	8:30 a.m - 12:30 p.m.; 1:30 p.m. - 5:00 p.m.
Tuesday	8:30 a.m - 12:30 p.m.; 1:30 p.m. - 5:00 p.m.
Wednesday	8:30 a.m - 12:30 p.m.; 1:30 p.m. - 3:00 p.m.
Thursday	8:30 a.m - 12:30 p.m.; 1:30 p.m. - 5:00 p.m.
Friday	8:30 a.m - 12:30 p.m.; 1:30 p.m. - 3:00 p.m.

The classroom time for each module will be allocated among the following activities:

Lectures—21 hours
Case Analysis—10.5 hours
Final Examination—2 hours

4. Provide tutoring during non-classroom time.

Proposal Format

Proposals submitted in response to this RFP must include all of the following:

1. A description of the proposing firm or individual proposer describing in detail its qualifications and capability to conduct the project. Proposers whose background includes current or previous work in the development and instruction of marketing-related training programs should describe that work in detail, provide samples of past work and identify the clients for whom it was performed. This section of the proposal also must include résumés of all personnel who will work on the project.

2. A detailed budget for the entire project showing a breakdown of expenses for the Scope of Work. The Department reserves the right to award a contract for all or part of the proposed work, and any award for part of the work will be based on the proposed budget.

3. Samples of a course outline and two cases for one module.

4. A detailed work plan including a timetable for completion of the Scope of Work.

Project Start and End Dates

The first training program is expected to begin on or about June 1, 1992. The actual start date will be negotiated with the contractor. The fourth and final training program must be completed no later than June 30, 1993.

Evaluation of Proposal

All proposals received by the submission deadline will be evaluated by the Department. The Department may seek, but is not obligated to seek, assistance in evaluating proposals from other state agencies, members of the Minnesota Small Business Development Centers, and parties outside state government.

The most important factors in the evaluation of proposals will be:

1. The qualifications of the proposer and personnel to be associated with the project;
2. The evaluators' judgement of the proposer's capacity to perform the work; and
3. The total price of the proposer's services in accomplishing the Scope of Work.

Proposals will be evaluated on the basis of materials submitted by the proposer, exclusive of any third party recommendations or testimonials. Proposers are discouraged from attaching such materials to their proposals.

Department Contact

Proposers who have questions regarding this RFP should contact: Randall D. Olson, State Director, Minnesota Small Business Development Centers, Minnesota Department of Trade & Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, telephone (612) 297-5770. Mr. Olson is the only employee authorized to answer questions regarding this RFP.

Submission of Proposals

To be considered, proposals must be sent to and received by:

Randall D. Olson, State Director, Minnesota Small Business Development Centers, Minnesota Department of Trade & Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, no later than 4:30 p.m.,

March 13, 1992.

Late proposals will not be accepted.

Professional, Technical & Consulting Contracts

Proposers must submit six (6) copies of the proposal.

Proposers must secure each copy of the proposal with a single staple in the upper left corner, or use other easily-removable binding to facilitate photocopying. Do not use GBC-type or other permanent binding.

Proposals must be sealed in mailing envelopes or packages with the proposer's name and address clearly written on the outside. Each copy of the proposal must be signed with an original signature, in ink, by the individual submitting the proposal or by an authorized member of the firm. By signing the proposal, the proposer certifies that prices and terms quoted in the proposal will be as stated for the duration of the project.

Telephonic, telegraphic, or facsimile machine transmitted proposals will not be accepted.

Special Clauses Anticipated in Any Contract Awarded

Prospective proposers should take note of the following special clauses which the Department anticipates will be a part of any contract awarded. These clauses may affect the nature, timing and cost of performance.

1. Allowable Costs

Funds awarded by contract shall be used only to reimburse direct expenses actually incurred in performing the Scope of Work. Specifically unallowable are indirect or overhead costs, contractor's profit, costs of production and submission of more than three copies of any report, and reimbursement of expenses which exceed allowable reimbursements under the current Commissioner's Plan issued by the Department of Employee Relations. Where proposals contain items of proposer cost usually included in indirect costs (e.g., telephone service, copying charges, support staff salaries), these items should be reflected as direct charges in the proposal budget.

2. Level of Effort and Standard of Work

Unless otherwise agreed in advance by the Department in writing, the contractor, or its employees shall personally perform the work described in this RFP and the contractor's proposal. The contractor shall apply its best efforts to the work and shall ensure that any work performed by others is performed by persons with appropriate skills and expertise.

3. Subcontracting

The contractor's services shall not be subcontracted to any other person, assigned or transferred without the prior written authorization of the Department.

4. Use of Department Facilities and Personnel

Except as explicitly authorized by the Department through its Agreement Representative, all work, other than the delivery of training sessions, shall be performed at the contractor's facilities, using the contractor's equipment and the contractor's personnel.

5. Certification

Before entering into any contract, the Department will require from the contractor evidence of compliance with *Minnesota Statutes* 290.97 dealing with the payment of withholding taxes to the State of Minnesota, and *Minnesota Statutes* 176.182 dealing with workers' compensation insurance.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Waste Control Commission

Request for Proposal (RFP) for Consulting Services for Inventory and Appraisal Service

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for Consulting Services for Inventory and Appraisal Service.

State Contracts and Advertised Bids

The MWCC owns and operates the Metropolitan Waste Disposal System located in the Twin Cities, seven county metropolitan area.

The MWCC seeks to engage a professional service to conduct an inventory and appraisal of its fixed assets.

A meeting will be held on Tuesday, February 11, 1992 at 9:00 a.m., at the Metro Plant, located at 2400 Childs Road in St. Paul. Following the meeting, a tour will be conducted at two treatment plant facilities.

Inquiries should be directed to Ms. Lois Spear, Controller/Account Manager at (612) 229-2017.

RFP's can be obtained by writing to the MWCC, Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101 or by contacting Mr. George Kaczor, Purchasing Manager at (612) 229-2035.

RFP's will be accepted by the MWCC until 4:00 p.m., Friday, February 21, 1992 at its Central Office.

The MWCC reserves the right to reject any or all proposals and to waive any minor irregularities and deviations from requirements outlined in the Request for Proposal.

BY ORDER OF THE METROPOLITAN WASTE CONTROL COMMISSION
Mr. Gordon O. Voss, Chief Administrator

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Commodity: Pressure sensitive labels
Contact: Ann Wefald 296-2546
Bid due date at 2pm: February 19
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Telecommunications:
Panasonic digital business system
(DBS)
Contact: Pat Anderson 612-296-3770
Bid due date at 2pm: February 19
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Rubbish disposal
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: February 25
Agency: Minnesota Air National
Guard—Duluth International Airport
Deliver to: Duluth
Requisition #: Price contract

State Contracts and Advertised Bids

Commodity: B F—Panasonic printers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 7
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-52458

Commodity: B G L—Sun sparcstation
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23386

Commodity: B G—Hard drive for Sun
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23406

Commodity: B F—Notebook 386SX-20
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 13
Agency: Northland Community College
Deliver to: Thief River Falls
Requisition #: B 27149-48260

Commodity: B G—Audio production system
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23377

Commodity: B F—Multibus control panel
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23398

Commodity: A H—Electronic equipment
Contact: Joan Breisler 296-9071
Bid due date at 2pm: February 18
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23404

Commodity: A H—Incircuit emulator—rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: February 18
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23303-1

Commodity: B F—Videologic adapter
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23389

Commodity: B G L—Upgrade data general EQ
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 11
Agency: Metropolitan State University
Deliver to: St. Paul
Requisition #: B 26176-03375

Commodity: B G—Security system
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 13
Agency: Minnesota Department of Jobs and Training
Deliver to: St. Paul
Requisition #: B 21200-42284

Commodity: B G—Sony recorder, edit controller
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 13
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23396

Commodity: B F—Treated stakes
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 13
Agency: Department of Natural Resources—Forestry
Deliver to: Lake City
Requisition #: B 29005-15953

Commodity: A H—Relocation/Metro State University
Contact: Joan Breisler 296-9071
Bid due date at 2pm: March 9
Agency: Metropolitan State University
Deliver to: St. Paul
Requisition #: B 26176-03358

Commodity: B E—Repair parts for analyzer
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: February 13
Agency: Minnesota Pollution Control Agency
Deliver to: St. Paul
Requisition #: B 32200-31036

Commodity: B F—MS Cobol compiler software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: February 13
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67120-43507

Commodity: B E—Konica 35mm camera
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: February 18
Agency: Minnesota Department of Transportation
Deliver to: South St. Paul
Requisition #: B 79000-22777

Commodity: A H—Industrial sewing equipment
Contact: Linda Parkos 296-3725
Bid due date at 2pm: February 21
Agency: Minnesota Correctional Facility
Deliver to: Lino Lakes
Requisition #: B 78550-08470

Commodity: B F—Air purification equipment
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: February 19
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-22767

Commodity: B F K M—Sealaze powercut
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: February 18
Agency: Minnesota Correctional Facility
Deliver to: Lino Lakes
Requisition #: B 78550-08475

State Contracts and Advertised Bids

Commodity: B F—Unistation software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: February 18
Agency: Department of Labor & Industry
Deliver to: St. Paul
Requisition #: B 42300-17257

Commodity: A H L—Repair parts for weight in motion
Contact: Joan Breisler 296-9071
Bid due date at 2pm: February 18
Agency: Minnesota Department of Transportation
Deliver to: Fort Snelling
Requisition #: B 79000-22768

Commodity: B E L—Door hardware & locks
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: February 18
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09040

Commodity: B F—Serving machine motors
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: February 18
Agency: Minnesota Correctional Facility
Deliver to: Lino Lakes
Requisition #: B 78550-08476

Commodity: B G—Clinometer
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: February 18
Agency: Department of Natural Resources—Division of Waters
Deliver to: St. Paul
Requisition #: B 29000-57922

Commodity: B E—Simm memory
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: Minnesota Department of Agriculture
Deliver to: St. Paul
Requisition #: B 04121-21829

Commodity: B F—Repair of dynamometer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-64274

Commodity: B E—Cable
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23379

Commodity: B E—386/33 computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: Minneapolis Community College
Deliver to: Minneapolis
Requisition #: B 27151-49057

Commodity: B F—TV's
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14670

Commodity: B F—Video disc player
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23390

Commodity: B F—Ceiling tile
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: Minnesota Correctional Facility
Deliver to: Red Wing
Requisition #: B 78760-03080

Commodity: B E—386SX/16 computer—rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14657-1

Commodity: B E—Miscellaneous computer supplies
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23375

Commodity: B F—Arcnet cards
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23380

Commodity: B F—H.P. Laserject IIID
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 12
Agency: Lakewood Community College
Deliver to: White Bear Lake
Requisition #: B 27154-47348

Commodity: B F—Fluorometer
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-60205

Commodity: B F—Wind monitor; speed translator
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23393

Commodity: B F—Precast concrete
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: February 12
Agency: Minnesota Department of Transportation
Deliver to: Owatonna
Requisition #: B 79650-00584

Commodity: B F—Used tripod
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23397

Commodity: B F—Compartment live fish distribution
Contact: Brenda Thielen 296-9075
Bid due date at 4:30pm: February 12
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: Ely
Requisition #: B 29002-22003

State Contracts and Advertised Bids

Commodity: A H—Junior trooper badges—rebid

Contact: Linda Parkos 296-3725

Bid due date at 2pm: February 13

Agency: Department of Public Safety/
Finance

Deliver to: New Brighton

Requisition #: B 07500-27150-1

Commodity: B F—Landscaping supplies

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: February 13

Agency: Minnesota Correctional Facility

Deliver to: St. Cloud

Requisition #: B 78830-11123

Commodity: B E—Diamond core drill bits

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: February 13

Agency: Minnesota Department of
Transportation

Deliver to: Willmar

Requisition #: B 79800-03894

Commodity: B G K M—Copier—rebid

Contact: Jack Bauer 296-2621

Bid due date at 4:30pm: February 12

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-23300-1

Commodity: B G K M—Copier—rebid

Contact: Jack Bauer 296-2621

Bid due date at 4:30pm: February 12

Agency: Vermilion Community College

Deliver to: Ely

Requisition #: B 27147-47420-1

Commodity: B E—Permeation tube

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: February 12

Agency: Minnesota Pollution Control
Agency

Deliver to: St. Paul

Requisition #: B 32200-31037

Commodity: B G—Compartment live fish distribution

Contact: Brenda Thielen 296-9075

Bid due date at 4:30pm: February 12

Agency: Department of Natural
Resources—Finland Fisheries
Headquarters

Deliver to: Finland

Requisition #: B 29002-22005

Commodity: A H—Industrial floor scrubber

Contact: Linda Parkos 296-3725

Bid due date at 2pm: February 13

Agency: Winona State University

Deliver to: Winona

Requisition #: B 26074-14279

Commodity: B F—Landscaping supplies

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: February 13

Agency: Minnesota Correctional Facility

Deliver to: St. Cloud

Requisition #: B 78830-11124

Commodity: A H—Galvanized steel

Contact: Jack Bauer 296-2621

Bid due date at 2pm: February 14

Agency: Department of Public Safety/
Finance

Deliver to: Various places

Requisition #: B 07700-27156

Commodity: B F—Media storage

Contact: Jack Bauer 296-2621

Bid due date at 4:30pm: February 14

Agency: Winona State University

Deliver to: Winona

Requisition #: B 26074-14285

Commodity: B G—Flex stakes

Contact: Jack Bauer 296-2621

Bid due date at 4:30pm: February 12

Agency: Minnesota Department of
Transportation

Deliver to: Fort Snelling

Requisition #: B 79000-22769

Commodity: B G—Outboard motors

Contact: Mary Jo Bruski 296-3772

Bid due date at 4:30pm: February 14

Agency: Department of Natural
Resources—Regional Headquarters

Deliver to: Various places

Requisition #: B 29002-22002

Commodity: B F—Lowe jon boat

Contact: Mary Jo Bruski 296-3772

Bid due date at 4:30pm: February 14

Agency: Department of Natural
Resources—Regional Headquarters

Deliver to: New Ulm

Requisition #: B 29004-16820

Commodity: B F—Snowmobile

Contact: Mary Jo Bruski 296-3772

Bid due date at 4:30pm: February 14

Agency: Department of Natural
Resources—Regional Headquarters

Deliver to: New Ulm

Requisition #: B 29004-16815

Commodity: B E—Boat trailer

Contact: Mary Jo Bruski 296-3772

Bid due date at 4:30pm: February 14

Agency: Department of Natural
Resources—Regional Headquarters

Deliver to: New Ulm

Requisition #: B 29004-16821

Commodity: Janitorial services

Contact: Joyce Dehn 612-297-3830

Bid due date at 2pm: February 27

Agency: Transportation

Deliver to: Maplewood

Requisition #: Price contract

Commodity: B E—Seagate harddrive

Contact: Bernadette Vogel 612-296-
3778

Bid due date at 4:30pm: February 14

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-23384

Commodity: B E—Specimen cabinet

Contact: Bernadette Vogel 612-296-
3778

Bid due date at 4:30pm: February 14

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-23387

Commodity: B F—Gateway 486/33

Contact: Bernadette Vogel 612-296-
3778

Bid due date at 4:30pm: February 14

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-23392

Commodity: B E L—Panasonic printer

Contact: Bernadette Vogel 612-296-
3778

Bid due date at 4:30pm: February 14

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-23403

State Contracts and Advertised Bids

Commodity: B F—Spectrophotometer
Contact: Bernadette Vogel 612-296-3778

Bid due date at 4:30pm: February 14
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02280

Commodity: B F—Video camera
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: February 19
Agency: Minnesota Correctional Facility
Deliver to: Lino Lakes
Requisition #: B 78550-08448

Commodity: B E—Microwave optics system
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23395

Commodity: B E L—Ethernet adapter
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23385

Commodity: B E L—NEC monitor
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23391

Commodity: B E—Oscilloscope
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23394

Commodity: B G L—Olympus microscopes
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: February 14
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02273

Commodity: A I—Replacement parts/intoxilizer
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: February 14
Agency: Department of Public Safety
Deliver to: St. Paul
Requisition #: B 07300-26862

Commodity: B F—Halogen lamps
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: February 14
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-24293

Commodity: B F—Photometric supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: February 14
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23408

Commodity: B F—Power supply
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: February 14
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02277

Commodity: B F—Steam kettle
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: February 14
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09041

Commodity: B F L—Pressure transducer
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: February 19
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14293

Commodity: B F—Flatfiles
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: February 19
Agency: Minnesota Pollution Control Agency
Deliver to: St. Paul
Requisition #: B 32300-31035

Commodity: B F—Replacement parts for Avant washer
Contact: Joan Breisler 612-296-0971
Bid due date at 4:30pm: February 14
Agency: Anoka-Metro Regional Treatment Center
Deliver to: Anoka
Requisition #: B 55100-04909

Commodity: B F—Folder
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: February 13
Agency: Department of Public Safety/Finance
Deliver to: Various places
Requisition #: B 07700-27159

Commodity: B E—IBM typewriter
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: February 19
Agency: Vermilion Community College
Deliver to: Ely
Requisition #: B 27147-47431

Commodity: B G M—Meridian files
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: February 14
Agency: Minnesota Higher Education Coordinating Board/Accounting
Deliver to: St. Paul
Requisition #: B 60000-07804

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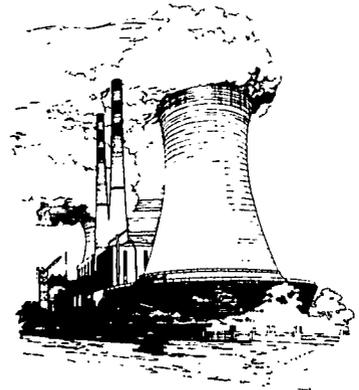
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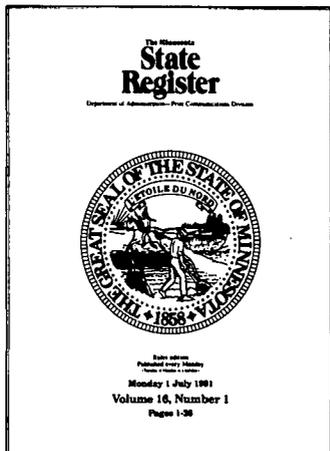
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